IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application M. No.89 of 2005
In
FAMILY COURT APPEAL NO.44 OF 2005

Kamal Pushkar Mehra, .. Applicant
vs
Manju Kamal Mehra, .. Respondent
Smt. Bhagyashri Jakhade, for the applicant.
Mr S.F.Mendon, for the respondent.

WITH
Civil Application M. No.41 of 2005
In
FAMILY COURT APPEAL NO.20 OF 2005

Mrs.Manju Kamal Mehra, .. Applicant.
Vs
Kamal Pushkar Mehra, .. Respondent
Mr S.G.Mendon, for the applicant.
Smt. Bhagyashri Jakhade, for the Respondent.

CORAM : S.B.MHASE &
D.B.BHOSALE, JJ.

DATE : APRIL 04, 2005.

P.C.

1. Heard the learned counsel for the parties.

2. While granting a decree of restitution for conjugal rights in favour of the husband, who is the applicant before this Court, the Court has enhanced the amount of permanent alimony to Rs.2500/- per month to the respondent-wife from Rs 2000/- which was being paid at an interim stage. Rs.3000/- are directed to be paid to the minor daughter Aishwarya, instead of Rs.2000/-, which was granted at an ad-interim stage. In fact, the husband is successful

in getting a decree of restitution of conjugal rights and the wife has, prima facie, failed to establish the reasonable grounds for withdrawal of association of the husband. Under these circumstances, as to whether the order of permanent alimony can be passed or not, is a question. But we need not go into this question at this stage because we find that even the wife, who has filed the appeal against the said decree before this Court and which is equally admitted by us, thereby, the whole matter is before this Court and under these circumstances, we desire to exercise our powers under section 24 of the Hindu Marriage Act. We find it appropriate, under these circumstances, to maintain the order of interim alimony which was passed by the Family Court during pendency of the matters before the Family Court as an interim orders in these proceedings also. In the Family Court, the applicant-husband was directed to pay Rs.2000/- to the respondent wife and Rs.2000/- to the minor child. We, therefore, direct that during pendency of this appeal, the applicant-husband shall continue to pay the interim alimony at the rate of Rs.2000/- to the respondent-wife and at the rate of Rs.2000/- to the minor child. These applications are, accordingly, disposed of.

(D.B.BHOSALE, J.) **(S.B.MHASE, J.)**

/rrt/db-05/db-4405/cam89-05